

Notice of Allowability

Application No.

10/590,997

Examiner

TAN Q. NGUYEN

Applicant(s)

KITAORI ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/29/2006.
2. ☒ The allowed claim(s) is/are 2-7 (now renumbered as 1-7).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

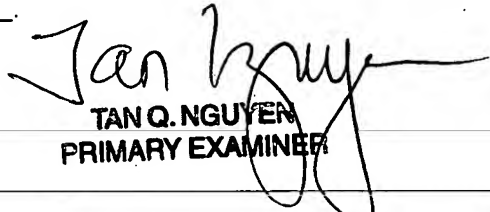
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 08/29/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TAN Q. NGUYEN
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This communication is an Examiner's reasons for allowance in response to application filed on August 29, 2006, assigned serial 10/590,997 and titled "CONTROLLER OF DRIVER FOR VEHICLE".

2. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

a. After carefully reviewing the application in light of the prior art of record, the amended claims and additional search of all the possible areas relevant to the present application, a set of related prior art references has been found, but those prior art references are not deemed strong to make the application unpatentable. Thus, it is found that the application is now in condition for allowance.

b. Although the prior art disclose several claimed limitations, none of the references teaches a control apparatus for a vehicular drive system which have a drive power source and an automatic transmission which includes an uphill drive force control means for controlling the drive power source and/or the automatic transmission to increase a drive force of the vehicle during the uphill road running at a given required vehicle output as compared to the driving force during a level road running at substantially the same required vehicle output, for obtaining substantially the same value of acceleration of the vehicle during the uphill road as that during the level road running, a delay control means for delaying initiation of a drive force control until a predetermined first time period has passed after a moment of initiation of the uphill road running, a reference acceleration calculation means, an actual acceleration detecting means, an acceleration difference calculating means for calculating an acceleration difference between the reference acceleration and the actual acceleration, an

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acceleration difference determining means for determining whether the differenced acceleration is larger than an uphill roadway determining threshold above which a roadway on which the vehicle is running is an uphill roadway a gradient of which required the drive force control by the uphill drive force control means; wherein the delay control means includes first period measuring means for measuring a time period during which the acceleration difference is held larger than the uphill roadway determining threshold, and a first period determining means for determining whether the measured time period has exceeded the predetermined first time period during which the initiation of the drive force control by the uphill drive force control means is delayed, the delay control means delaying the initiation of the drive force until the first period had exceeded the predetermined first time period (claim 2).

c. Claims 2-7 are allowable over the prior art of record (now renumbered as 1-6).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to the Central Fax: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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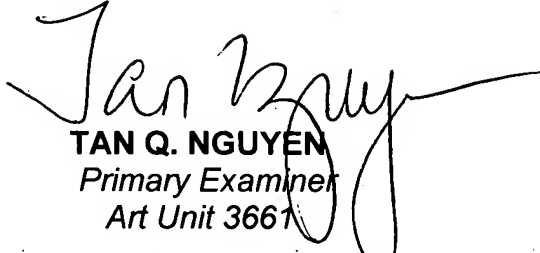
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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn

September 26, 2007


TAN Q. NGUYEN
Primary Examiner
Art Unit 3661



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/590 997

EXAMINER

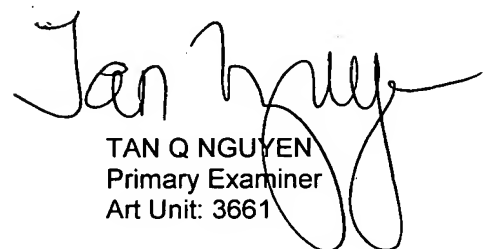
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents


TAN Q NGUYEN
Primary Examiner
Art Unit: 3661